

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated June 2, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 3-4 and 6-8 and are pending in the Application. By means of the present amendment, claims 1-2 and 5 are cancelled without prejudice and resubmitted as new claims 6-8 and claim 3-4 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include amending dependent claims to begin with "The" as opposed to "A". By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter, deleted herein, at a later time during the prosecution of this application or continuing applications.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

Claim 5 is rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. It is respectfully submitted that the cancellation of claim 5 renders this rejection moot.

Claims 1-5 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2002/0016962 to DeCarmo ("DeCarmo"). These rejections are respectfully traversed. It is respectfully submitted that claims 3-4 and 6-8 are allowable over DeCarmo for at least the following reasons.

DeCarmo shows a digital signal playback device 200 (see, FIG. 2) that utilizes a "[r]atings manager 210 [that] prevents unauthorized content from being viewed ..." (See, paragraph [0032].) "[T]he ratings manager 210 sets the parental control defaults for all input streams based upon the capabilities queried ..." "Parental control indicates if the stream contains parental control features. The last capability includes any device specific parental control capabilities, such as, for example DVD or VCD classes. If the stream contains multiple parental control levels, ratings manager informs the input stream about the preferred parental controls." (See, paragraph [0044] cited in the Office Action.) In other words, DeCarmo shows that each stream is checked against preferred parental control levels set by the ratings

manager. If a given device has a device specific parental control level set, then a data stream from that device is checked against that devices specific parental control levels and against the preferred parental control levels.

It is respectfully submitted that the information carrier player of claim 1 is not anticipated or made obvious by the teachings of DeCarmo. For example, DeCarmo does not disclose or suggest, an information carrier player that amongst other patentable elements, comprises (illustrative emphasis added) "first switching means controlled by a first control signal derived from a first comparison between a current parental control level from said information carrier player and said preset parental control level, for authorizing or not the reading of said information carrier, second switching means controlled by a second control signal derived from a second comparison between said current parental control level from said information carrier player and said rating level associated with said server data, for authorizing or not the access to said data" as recited in claim 3, and as similarly recited in each of claims 6 and 8. In fact, DeCarmo utilizes a parental control level from a given device and a preferred parental control level to determine whether to enable playing of data from

that device. DeCarmo does not utilize a parental control level from the carrier player to control play of data from the carrier player and from a server as substantially recited in each of claims 3, 6 and 8.

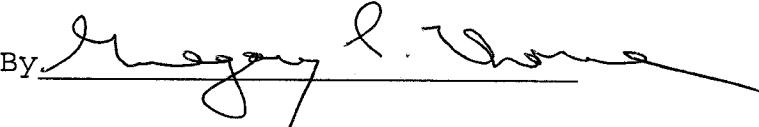
Based on the foregoing, the Applicants respectfully submit that independent claims 3, 6 and 8 are patentable over DeCarmo and notice to this effect is earnestly solicited. Claims 4 and 7 respectively depend from one of claims 3 and 6 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Patent
Serial No. 10/540,704
Amendment in Reply to Office Action of June 2, 2008

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
September 2, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101